



**ఆంధ్రప్రదేశ్ రాజ పత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
**PUBLISHED BY AUTHORITY**

W.No.20

AMARAVATI, FRIDAY, MAY 21, 2021

G.71

**PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC**

--X--

**NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,**

**COLLECTOR AND DISTRICT MAGISTRATE  
GUNTUR**

**Rc.No.274/2020/C4.**

**Dated: 03-04-2021.**

CASTE VERIFICATION - GUNTUR DISTRICT - GUNTUR WEST MANDAL -  
VERIFICATION OF "SHAIK(BC- E)" CASTE CERTIFICATE ISSUED BY THE  
TAHSILDAR, GUNTUR VIDE MEESEVA CERTIFICATE NO.CGC011819504917,  
DT: 11-10-2018 TO Smt. SHAIK REEHANA W/o (LATE) ADBUL RAHAMAN -  
COMPLAINT FILED BY Sri SHAIK NAGUL MEERA, NAGARAMPALEM,  
GUNTUR - CANCELLATION OF CASTE CERTIFICATE.

- Read:-
1. Complaint filed by Sri ShaikNagul Meera,D.No.26-2-7, Nagarampalem, Guntur.
  2. High Court Order dt.16.10.2020.
  3. Notice dt.02.11.2020 issued to the individuals.
  4. Arguments filed by the complainant on 07.11.2020.
  5. Counter arguments filed by the respondent on 28.11.2020 and reiterated on 05.12.2020.
  6. Rc.No. 390/2020-C ,dt.10.12.2020 of the Tahsildar, Guntur West Mandal.
  7. BCs in Muslims Act 2007.
  8. G.o.Ms.No.23, Backward Classes Welfare(C2) Dept., dt.07.07.2007.
  9. Findings of the District Level Scrutiny Committee, Dt.08.01.2021.
  - 10.This office Final Notice dt.01.02.2021.
  11. Reply. of Smt.Reehana W/o(late) Abdul Rahaman., the respondent, dt. 14.03.2021.
  12. Other connected papers.

\*\*\*

**ORDER:**

Sri Shaik Nagul Meera S/o Moulali, resident of Nagarampalem of Guntur town filed a complaint stating that his mother-in-law by name Pathan Reehana (Maiden Name) @ Shaik Reehana (after marriage) who belongs to Pathan community(O.C) by birth but she obtained B.C-E integrated certificate as if she belongs to Shaik community from the M.R.O, Guntur west by providing false information with an intention to use the benefits and schemes of Govt. of A.P. Further the complainant requested to cancel the integrated caste certificate issued to Smt Pathan Reehana and take necessary action as per law.

**Gist of the complaint is that:**

1. Pathan Reehana D/o Pathan Khasim Khan belongs to OC.
2. Pathan Reehana married Shaik Abdul Rehman (Maternal uncle of the complainant) who was working as SGT in Guntur Municipal Corporation (GMC).
3. Shaik Abdul Rehman expired on 28.11.2017 while working as Government teacher in GMC.
4. Mrs Reehana applied for job in GMC on compassionate appointment.
5. The Tahsildar, Guntur west issued caste certificate to Reehana as belonging to 'BC-E' category, Where as she belongs to OC Category.
6. Therefore Reehana is not entitled for any claim under BC reservation.
7. Reehana suppressed all the facts and obtained wrong caste certificate for the purpose of getting job compassionate appointment.
8. Therefore the petitioner requested to cancel the caste certificate issued to Reehana.

Further the complainant filed his written arguments as follows:

- The maiden name of Reehana is Pathan Reehana, after her marriage her name changed as Shaik Reehana.
- As per G.O.Ms.No.23, BC Welfare (c2) Department, dt. 07.07.2007, Pathan Community comes under OC category, Shaik Community comes under BC-E Category.
- The caste is determined by Birth, the caste cannot be changed after marriage with a person belonging to BC, as held by the Hon'ble Supreme Court of India in the case of Valsamma paul Vs Cochin University (Published in AIR 1996 SC 1011).
- In another case of Sunitha singh Vs State of UP (2018 SCC 493) the Hon'ble Supreme Court held that there cannot be any dispute that the caste is determined by birth and the caste cannot be changed by marriage with an SC person.
- The Marriage booklet issued by Wakfboard in respect of the marriage of Pathan Reehana also clearly show that Pathan Reehana married Shaik Abdul Rehman.
- Shaik Reehana intentionally mentioned her caste as BC-E in the online application filed for getting admission in APOSS.
- Shaik Reehana obtained SSC pass certificate and Transfer Certificate by fraud by mentioning that she belongs to BC-E Category.

- The Hon'ble Supreme Court in the case of Chairman and the Managing Director, FCI and Others Vs Jagadish BalaramBahira and Other held that those found using fake caste certificates for education and employment will lose degree and job.
- The Hon'ble Supreme Court in the case of criminal petition No.6479/2018 held that securing employment by producing fake caste certificate under the category of reservation is a matter of serious concern, in such a case the court cannot exercise its inherent power to quash the proceedings(against appellant/Respondent)
- The Statements given by the blood relatives of Pathan Reehana prove that she belongs to OC Category.
- The petitioner stated that as there was delay on his representation, he filed W.P.No.18312 of 2020 with a prayer to direct the District Collector to dispose his representation filed before the District Collector.
- The Hon'ble High Court in their Order dt. 16.10.2020 directed the District Collector to dispose the representation dt.07.09.2020 within 4 weeks from the date of issue of the Order(Four weeks time expires by 15.11.2020).
- The petitioner therefore requested
  - a. To cancel the integrated certificate issued to Pathan Reehana in the name of Shaik Reehana.
  - b. To take criminal action against Pathan Reehana for obtaining false caste certificate.
  - c. To take criminal action against Pathan Reehana for using the fake caste certificate while joining in the job.
  - d. Cancel all her certificates obtained based on BC-E caste claim.
  - e. To cancel all benefits enjoyed by Reehana.

The matter was referred to the DLSC as per the orders of the Collector, and a notice was issued to the respondent to attend before the DLSC. The respondent attended before the Committee for enquiry on 07.11.2020 and filed counter to support her claim as follows:

1. Most of the allegations in the petition are not true and the petition is motivated, fraudulent and brought into existence as a counter blast against the crimes registered and the action taken by the police against the petitioner/complainant and to wreak vengeance.
2. It is submitted that the complainant married the only daughter of the respondent by name Shaik Reshma on 06.11.2015. Subsequent to the marriage Shaik Abdul Rahaman died on 28.11.2017 due to sudden heart stroke. The complainant kept an eye over the death benefits on behalf the respondent and he himself brought several applications for the purpose of death benefits, caste certificate and the application for Compassionate Appointment and involved personally in filling the application and participated in the process of securing the death benefits and the compassionate appointment and the caste certificate.
3. The complainant made several false representations with an intension to cheat the respondent and parted with an amount of Rs.8,00,000/- out of the death benefits and committed cheating. The complainant and his sisters harassed the daughter of the respondent Shaik Reshma and she submitted a report on 02.10.2019 in crime No.300/2019 on the file of Women P.S. Guntur for the offences under sections 498-A IPC and section 3 and 4 of DP act. The contents of the FIR crime No.300/2019 on the file of Women P.S Guntur filed along with this version may be read as a part of this version.

4. Subsequently the complainant threatened the respondent and her daughter to file criminal cases on the basis of blank cheques and promissory notes held up with him and he forged sum of the cheques and transacted with their bank accounts and threatened to kill them. Then the daughter of the respondent submitted a report and it was registered as a case crime No.328/2019 on the file of Nagarampalem P.S Guntur for the offences under sections 420,506,406 of IPC and section 66C IT Act. The contents of the FIR in crime No.328/2019 on the file of Nagarampalem P.S Guntur filed along with this version may be read as a part of this version.
5. There after the complainant was arrested on 29.11.2019 and he was remanded to judicial custody in crime No.328/2019 on the file of Nagarampalem P.S, Guntur and he was in remand for 4 days. The complainant who was working as a teacher in MPP School, Neelagangavarm Vinukonda Mandal was suspended for the reason of judicial remand for more than 48 hours.
6. Since then the complainant bore grudge against the respondent and her daughter (his wife) and started inventing these false complaints and petitions by misusing his bail in the cheating case and causing mental agony to respondent and her daughter. As a part of his fraudulent intentions he approached the Hon'ble High Court for early disposal and pressurizing the respondent to withdraw criminal cases filed against him on the pretext of this complaint. This complaint is frivolous, vexatious and without any merit and liable to be recommended as not maintainable.
7. It is true that the husband of the respondent, Shaik Abdul Rahaman is the maternal uncle of the petitioner and he married the respondent and the husband of the respondent Shaik Abdul Rahaman was expired on 28.11.2017 while working as a government teacher in Guntur Municipal Corporation on grounds of Compassionate Appointment.
8. The other allegations that the respondent is not entitled for BC-E caste certificate and the certificate was obtained for the purpose of getting job on Compassionate Appointment and the respondent belong to OC category but claiming benefits under BC-E reservation and her certificate is liable for cancellation and similar other allegations which are not specifically admitted herein are all false.
9. The husband of the petitioner Shaik Abdul Rahaman did not get his job under BC-E reservation and at the time of his appointment there is no such reservation facility in force in A.P. Therefore the question of reservation does not arise in the case of the Compassionate appointment of the respondent on the causality of Shaik Abdul Rahaman.
10. Admittedly the appointment of the respondent as Government employee is not on the basis of the caste certificate now being disputed by the complainant. The respondent would have been appointed even in the absence of any caste certificate.
11. The marriage between the respondent and Shaik Abdul Rahaman cannot be termed as an inter caste marriage. There is no caste system in the Muslim religion which regulate within the caste like that of Hindu religion. The Hindu society is not accepting inter caste marriages and there are several Honour killings in the society in the case of inter caste marriages. But

it is not in the case of Muslim marriages, because there is no caste system in Muslim religion.

12. Regarding the marriages are concerned the Muslim religion stands as one unit. Any Muslim whether he is a Shaik, Pathan, Mohammed, Syed., etc they won't consider or see any difference. The religious rites for all the Muslim marriages are the same that is NIKKAH. The marriage of the respondent with Shaik Abdul Rahaman was held on 09.09.1996. At the time of their marriage there is no such reservation for Muslim Community for which the BC-E category is identified. Therefore it cannot be said that the respondent married Shaik Abdul Rahaman for the purpose of getting BC-E certificate.
13. The citations in the case of Valasamma Paul Vs Cochin University [AIR 1996 SC 1011] and Sunitha Singh V. State of U.P [2018[2] SSC 493] are the cases based on specific facts and circumstances in respect of the castes prevailing in other religions like Christianity and Hindu but not the Muslim religion where there is not caste system. The discussions and conclusions arrived at in the above citations are to protect the spirit of the Reservations enshrined in the Constitution under Articles 15 and 16 for Dalits and Scheduled Tribes.
14. While considering the caste question the Apex Courts are considering the living conditions of the particular person. In this case the respondent was married in the year 1996 and she has been living within the economic conditions of her husband since 24 years. And as such her caste certificate is to be considered within the living conditions of her husband and her maiden family conditions of this case.
15. The other citations mentioned by the complainant are not related to the facts and circumstances of this case. Therefore the said citations need not be considered.
16. In the citation B. Archana Reddy AndOrs. Vs State of A.P., Rep. By Its ..... on 7 November, 2005 Equivalen citations: 2005 (6) ALD 582, 2005 (6) ALT 364 it is observed that by A.P High Court (1) When the Court assembled to-day for pronouncement of the judgement, it was brought to our notice that the impugned Ordinance viz., Andhra Pradesh Reservation of seats in the Educational Institutions and appointments/posts in the public services under the State to Muslim Community Ordinance, 2005 (Ordinance No.13 Of 2005, dated 20-06-2005) has been repealed by A.P. Act No.21 of 2005, dated 25-10-2005. The learned Counsel for the parties including the Advocate General, submitted that there is no material change between the provisions of the Ordinance and the Act and a fresh hearing is not required. We have already allowed the amendments in the writ petitions. Therefore, in this judgement and the opinions, wherever the expression 'Ordinance No. 13 of 2005, dated 20.06.2005' appears, would mean 'Act No.21 of 2005, dated 25.10.2005'.
- (2) Andhra Pradesh Reservation of seats in the Educational Institutions and of appointments/posts in the public Services under the State to Muslim Community Act, 2005 (A.P. Act No.21 of 2005, dt.25.10.2005) is declared unconstitutional and violative of Articles 15(4) and 16(4) of the Constitution of India.



**(3) There is no prohibition to declare Muslims, as a community, socially and educationally backward for the purposes of Articles 15(4) and 16(4) of the Constitution of India, provided they satisfy the test of social backwardness, as stated in the Judgement.**

17. Therefore the observation of the Hon'ble A.P. High Court is that there is no prohibition to declare Muslims, as a community, socially and educationally backward for the purposes of Articles 15(4) and 16(4) of the Constitution of India. It further shows that there is no caste system in Muslim religion.

18. The pathans and Shaik to their names in India and they do not see any difference in Muslim religion.

Finally, the respondent Smt Shaik Reehana W/o Shaik Abdul Rahaman stated that she has not obtained the caste certificate for getting the appointment for government post and the citations filed by the complainant are not applicable to the Muslim religious people, the complainant is motivated, fraudulent and brought into existence as a counter blast against the crimes registered and the action taken by the police against the complainant and to wreak vengeance and to bring the respondents to his terms and to drop the proceedings.

Further the respondent submitted the following documents:

1. The FIR and Charge sheet in crime number 300/2019 of women P.S.
2. The FIR, Charge Sheet and Remand report in Crime number 328/2019 of Nagarampalem P.s.
3. The aarogyasri card of the father of the respondent.
4. The Aadhar card of the respondent.
5. The Health card of the respondent.
6. The voter card of the respondent.

The Chairman of the DLSC called for the remarks of the Tahsildar, Guntur West regarding the finalization of the "SHAIK(BC-E)" Caste status of Smt Shaik Reehana W/o(late) Adbul Rahaman.

In this regard, the Tahsildar, Guntur West who enquired the matter through the Mandal Revenue Inspector, Guntur West Mandal reported that

- Smt Shaik Reehana @ Pathan Reehana (38 years) D/o Pathan Khasim Khan, Aadhar No.786918512911 resident of Door No.84-21-1630,9/2 Srinivaraopet, Guntur West Mandal, got married to Shaik Abdul Rahman in Ibrahimpatnam in the year 1996 and had two children.
- The said Reehana was a native of Ibrahimpatnam of Krishna District and studied SSC under open school society.
- There are no school records showing her caste available with her.
- Moreover, she didn't get caste certificate from any of the authority, except the certificate said to have been issued by the then Tahsildar, Guntur vide No.CGC011819504917, dt.11.10.2018.
- The same facts were admitted by Smt Reehana and during local enquiry, the local elders were also reported the same facts.

- It is known from the sources that all the process and obtaining of certificates right from the filing of applications and till getting the certificates relating to Smt Reehana W/o late Shake Abdul Rahaman were made by Shaik Nagul Meera who is none other than her son-in-law when they were in good terms.
- It is also known that after breaking up of their relationship, he willfully turned the table and took the very opposite part with an intension to avenge and filing complaints against the very certificates which were filed and obtained by Shaik Nagul Meera.
- It is revealed that Shaik Reehana is currently working as a nanny in Sri Jalagam Rama Rao Government School, Guntur.
- The individual got the job on compassionate grounds after demise of her husband Sri Shaik Abdul Rahman who died while working as Government Teacher.

The Tahsildar, Guntur West finally reported that Smt Reehana W/o (late) Shaik Abdul Rahaman belongs to Pathan (OC) by caste originally and married to a person **who belonged to Shaik(BC-E)**.

The District Level Scrutiny Committee reviewed the depositions along with document furnished by the respondent, enquiry reports of the Tahsildar, Guntur West with reference to the following Government Orders.

G.O.Ms.No.58, Social Welfare (J) Dept., dated 12.5.1997 vide **BRINGING INTO FORCE OF ANDHRA PRADESH SCHEDULED CASTES SCHEDULED TRIBES AND BACKWARD CLASSES – ISSUE OF COMMUNITY, NATIVITY AND DATE OF BIRTH CERTIFICATES RULES, 1997** says that:

**Rule – 9 FRAUDULENT CLAIMS** : says that (1) Where the District Collector receives a written complaint from any person or has otherwise reason to believe that a person not belonging to a Scheduled Caste or Scheduled Tribe or Backward Class has obtained a false Community, Nativity and Date of Birth Certificate to the effect that either himself/herself or his/her children belong to such a Scheduled Caste/ Scheduled Tribe/ Backward Class, the District Collector shall refer the case to the Chairman, Scrutiny Committee i.e. Joint Collector of the District (formed under rule – 8) to enquire into such cases and send its findings to the District Collector.

**Act No.16 of 1993** – Andhra Pradesh Acts, Ordinances and Regulations etc. Section 6 – **BURDEN OF PROOF** : Where an application is made to the competent authority under Section 3 for the issue of a community certificate in respect of Scheduled Castes, Scheduled Tribes or Backward Classes or in any enquiry conducted by the Competent authority or the authority empowered to cancel the community certificate or the appellate authority under this Act or in any trial or offence under this Act, the burden of proving that he belongs to such caste, Tribe or Class shall be on the claimant.

**Opinion of the DLSC :** In view of the observations and after discussing the matter in the District Level Scrutiny Committee along with the District Minority Welfare Officer in the meeting held on 08.01.2021 in the VC hall, Collectorate, Guntur the members of the District Level Scrutiny Committee opined that the caste shall always be followed by birth but not by marriage. The off springs of this couple can follow father's caste as prescribed in G.O.Ms.No.23, BCW (C2) Dept., dt.07.07.2007. **Hence the caste certificate issued to Reehana W/o Shaik. Abdul Rehaman as 'Shaik (BC-E)' shall be cancelled henceforth.** She can apply fresh notwithstanding any other consequences of this action. A report may accordingly be submitted to the Collector & District Magistrate.

Agreeing with the recommendations of the District Level Scrutiny Committee a notice dt.01.02.2021 was issued by the Collector, Guntur to the respondent to show cause why the "SHAIK(BC-E)" Caste certificate issued by the Tahsildar, Guntur through Meeseva vide Certificate No.CGC011819504917, dt.11.10.2018 to Smt Shaik Reehana W/o (late) Abdul Rahaman should not be cancelled, basing on the recommendations of the District Level Scrutiny Committee.

The individual has submitted her explanation to the Notice dt.01.02.2021 issued to her as follows:

1. The complainant is the son-in-law of the respondent and he invented this complainant as a Counter blast against the crimes registered and the action taken by the police against him to wreak vengeance.
2. The complainant married the only daughter of the respondent by name Shaik Reshma on 06.11.2015. Subsequent to the marriage Shaik Abdul Rahaman died on 28.11.2017 due to sudden heart stroke. The complainant kept an eye over the death benefits and he plunged into action and he himself brought several applications for the purpose of death benefits, caste certificate and the application for Compassionate Appointment and involved personally in filling the application and participated in the process of securing the death benefits and the compassionate appointment and the caste certificate.
3. The complainant made several false representations with an intension to cheat the respondent and parted with an amount of Rs.8,00,000/- out of the death benefits and committed cheating. The complainant and his sisters harassed the daughter of the respondent Shaik Reshma and she submitted a report on 02.10.2019 in crime No.300/2019 on the file of Women P.S. Guntur for the offences under sections 498-A IPC and section 3 and 4 of DP act. Subsequently the complainant threatened the respondent and her daughter to file criminal cases on the basis of forging blank cheques and promissory notes held up with him and he misused some of the cheques and transacted with their bank accounts and threatened to kill them. Then the daughter of the respondent submitted a report and it was registered as a case in crime No.328/2019 on the file of Nagarampalem P.S Guntur for the offences under sections 420,506,406 of IPC and section 66C IT Act.
4. There after the complainant was arrested on 29.11.2019 and he was remanded to judicial custody in crime No.328/2019 on the file of Nagarampalem P.S, Guntur and he was in remand for 4 days. The complainant who was working as a teacher in MPP School, Neelagangavaram Vinukonda Mandal and he was suspended for the reason of judicial remand for more than 48 hours. Since then the complainant bore grudge against the respondent and her daughter (his wife) and started inventing these false complaints and



petitions by misusing his bail in the cheating case and causing mental agony to respondent and her daughter. As a part of his fraudulent intentions he approached the Hon'ble High Court for early disposal and pressurizing the respondent to withdraw criminal cases filed against him on the pretext of this complaint. This complaint is frivolous, vexatious and without any merit and liable to be recommended as not maintainable.

5. It is true that the husband of the respondent, Shaik Abdul Rahaman is the maternal uncle of the petitioner and he married the respondent and the husband of the respondent Shaik Abdul Rahaman was expired on 28.11.2017 while working as a government teacher in Guntur Municipal Corporation on grounds of Compassionate Appointment. The allegations that the respondent is not entitled for BC-E caste certificate and the certificate was obtained for the purpose of getting job on Compassionate Appointment and the respondent belong to OC category but claiming benefits under BC-E reservation and her certificate is liable for cancellation and similar other allegations which are not specifically admitted herein are all false.
6. The husband of the petitioner Shaik Abdul Rahaman did not get his job under BC-E reservation and at the time of his appointment there is no such reservation facility in force in A.P. Therefore the question of reservation does not arise in the case of the Compassionate appointment of the respondent on the causality of Shaik Abdul Rahaman. Admittedly the appointment of the respondent as Government employee is not on the basis of the caste certificate now being disputed by the complainant. The respondent would have been appointed even in the absence of any caste certificate.
7. The marriage between the respondent and Shaik Abdul Rahaman cannot be termed as an inter caste marriage. There is no caste system in the Muslim religion which regulate within the caste like that of Hindu religion. The Hindu society is not accepting inter caste marriages and there are several Honour killings in the society in the case of inter caste marriages. But it is not in the case of Muslim marriages, because there is no caste system in Muslim religion. Regarding the marriages are concerned the Muslim religion stands as one unit. Any Muslim whether he is a Shaik, Pathan, Mohammed, Syed.,etc they won't consider or see any difference. The religious rites for all the Muslim marriages are the same that is NIKKAH. The marriage of the respondent with Shaik Abdul Rahaman was held on 09.09.1996. At the time of their marriage there is no such reservation for Muslim Community for which the BC-E category is identified. Therefore it cannot be said that the respondent married Shaik Abdul Rahaman for the purpose of getting BC-E certificate. The citations in the case of Valasamma Paul Vs Cochin University [AIR 1996 SC 1011] and Sunitha Singh V. State of U.P [2018[2] SSC 493] are the cases based on specific facts and circumstances in respect of the castes prevailing in other religions like Christianity and Hindu but not the Muslim religion where there is not caste system. The discussions and conclusions arrived at in the above citations are to protect the spirit of the Reservations enshrined in the Constitution under Articles 15 and 16 for Dalits and Scheduled Tribes.

8. While considering the caste question the Apex Courts are considering the living conditions of the particular person. In this case the respondent was married in the year 1996 and she has been living within the economic conditions of her husband since 24 years. And as such her caste certificate is to be considered within the living conditions of her husband and her maiden family conditions of this case. The other citations mentioned by the complainant are not related to the facts and circumstances of this case. Therefore the said citations need not be considered.
9. In the citation B. Archana Reddy AndOrs. Vs State of A.P., Rep. By Its ..... on 7 November, 2005 Equivalent citations: 2005 (6) ALD 582, 2005 (6) ALT 364 it is observed that by A.P High Court (1) When the Court assembled to-day for pronouncement of the judgment, it was brought to our notice that the impugned Ordinance viz., Andhra Pradesh Reservation of seats in the Educational Institutions and appointments/posts in the public services under the State to Muslim Community Ordinance, 2005 (Ordinance No.13 of 2005, dated 20-06-2005) has been repealed by A.P. Act No.21 of 2005, dated 25-10-2005. The learned Counsel for the parties including the Advocate General, submitted that there is no material change between the provisions of the Ordinance and the Act and a fresh hearing is not required. We have already allowed the amendments in the writ petitions. Therefore, in this judgment and the opinions, wherever the expression 'Ordinance No. 13 of 2005, dated 20.06.2005' appears, would mean 'Act No.21 of 2005, dated 25.10.2005'. (2) Andhra Pradesh Reservation of seats in the Educational Institutions and of appointments/posts in the public Services under the State to Muslim Community Act, 2005 (A.P. Act No.21 of 2005, dt.25.10.2005) is declared unconstitutional and violative of Articles 15(4) and 16(4) of the Constitution of India. (3) **There is no prohibition to declare Muslims, as a community, socially and educationally backward for the purposes of Articles 15(4) and 16(4) of the Constitution of India, provided they satisfy the test of social backwardness, as stated in the Judgement.**
10. Therefore the observation of the Hon'ble A.P. High Court is that there is no prohibition to declare Muslims, as a community, socially and educationally backward for the purposes of Articles 15(4) and 16(4) of the Constitution of India. It further shows that there is no caste system in Muslim religion. The pathans and Shaik to their names in India and they do not see any difference in Muslim religion.

Smt Shaik Reehana W/o (late) Abdul Rahaman further stated that the Hon'ble Dist Level Scrutiny Committee failed to consider the spirit of citations and misread the citation of the complainant and came to a conclusion that the caste is by birth and not by marriage. The proposition is only for other religions and not applicable to Muslim religion.

The respondent referred to judgment of the Hon'ble A.P. High Court in B. Archana Reddy Vs State of A.P., published in 2005 (6) ALD 582, 2005 (6) ALT 364 which is explained by the respondent at paraNo.9 above.

The respondent further pleaded that the husband of the petitioner Shaik Abdul Rahaman did not get his job under BC-E reservation and at the time of his appointment there is no such reservation facility in force in A.P., therefore the question of reservation does not arise in the case of the Compassionate appointment of the respondent on the causality of Shaik Abdul Rahaman. Admittedly the appointment of the respondent as Government employee is not on the basis of the caste certificate now being disputed by the complainant. The respondent would have been appointed even in the absence of any caste certificate.

The respondent Smt Shaik Reehana W/o Shaik Abdul Rahaman prayed to hold that the proposition that the caste is by birth and not by marriage is not applicable to Muslim religious reservations and the complaint is not tenable and motivated, fraudulent and brought into existence as a counter blast against the crimes registered and the action taken by the police against the petitioner/complainant and to wreak vengeance and to bring the respondents to his terms and to drop the proceedings and the caste certificate may be held to be valid.

Smt Shaik Reehana W/o (late) Abdul Rahaman further stated that the caste certificate was not obtained for getting the appointment for government post and her appointment is on compassionate ground on the death of her husband and the appointment of her husband is on open category and not on reservation under BC-E.

Finally, the respondent requested to consider the above stated facts and circumstances and drop the proceedings initiated by the District Collector.

In this connection the complainant referred to the following two citations of the Hon'ble Supreme Court of India in support of his argument that caste is obtained by birth but not by marriage

i. In the case of Valsamma Paul Vs. Cochin University (AIR 1996 SC 1011) the view expressed by the Hon'ble Supreme Court is as follows:

“ The caste is determined by Birth and the caste cannot be changed by marriage with a Person of Backward Class”.

ii. In the case of Sinitha Singh V. State of U.P.(2018(2)SCC 493) the view expressed by the Hon'ble Supreme Court is as follows:

“ There cannot be any dispute that there caste is determined by birth and the caste cannot be changed by marriage with a person and scheduled caste undoubtedly, the appellant was born in Agarwal family, which falls in general category and not in scheduled caste merely because her husband is belonging to a scheduled caste category, the appellant should not have been issued with a caste certificate showing her caste as scheduled caste. In that regard, the order of the authorities as well as the judgement of the High Court cannot be faulted”.

The complainant also relied on G.O.Ms.No.23, BCW (C2) Dept., dt.07.07.2007 and argued that “Pathan” Community comes under OC category where as “Shaik” community comes under BC-E category.

The respondent stated that her husband did not get the job under BC-E reservation. The husband of the petitioner Shaik Abdul Rahaman did not get his job under BC-E reservation and at the time of his appointment there is no such reservation facility in force in A.P. Therefore the question of reservation does not arise in the case of the Compassionate appointment of the respondent on the causality of Shaik Abdul Rahaman.

She argued that there was no caste system in muslim religion and further pleaded that the marriage between herself & Shaik Abdul Rehaman cannot be termed as an inter caste marriage. She further pleaded that the citations in the case of Valasamma Paul Vs Cochin University [AIR 1996 SC 1011] and Sunitha Singh V. State of U.P [2018[2] SSC 493] are not applicable to her case. The argument of the respondent is contrary to the ruling given by the Hon'ble Supreme Court of India, therefore her argument is not tenable, hence not acceptable.

Even though her marriage with Shaik Abdul Rahaman was held on 09.09.1996, she obtained the caste certificate as belonging to Shaik, BC-E category on 11.10.2018, clearly after issuance of G.O.Ms. No.23, BCW (C2) Dept., dt.07.07.2007 by the Government of Andhra Pradesh categorizing the castes "Pathan" under OC and "Shaik" under BC. Therefore the caste certificate is obtained contrary to the G.O issued by the Government of A.P.

Hence, the BC-E caste certificate obtained by her is liable for cancellation. Moreover she could not file any fresh evidence to support her claim that caste is changed by virtue of her marriage and there is no caste system in Muslim religion.

In the view of the recommendations made by the DLSC and the explanation offered by the respondent and after considering the material papers, I, Vivek Yadav, I.A.S., Collector & District Magistrate, Guntur in exercise of the powers conferred by the Government U/s.5(1) of the A.P.(SC, ST & BCs) Regulation of issue of Community Certificate Act 16 of 1993 read with Rule 9(7) of A.P.(SC, ST & BC) Issue of Community, Nativity and Date of Birth Certificate Rules 1997, communicated in G.O.Ms.No.58, Social Welfare Department dt.12.5.1997, hereby cancel the "SHAIK(BC-E)" community certificate issued by the Tahsildar, Guntur through Meeseva vide Certificate No.CGC011819504917, dt.11.10.2018 to Smt Shaik Reehana W/o (late) Abdul Rahaman.

A notification to this effect shall be published in the A.P.State Gazette.

An appeal lies to the Government against this order within 30 days from the date of receipt of this order.

**VIVEK YADAV,**  
*Collector and District Magistrate,*  
*Guntur.*

**NOTIFICATION**

In view of the recommendations of the District Level Scrutiny Committee and in exercise of powers conferred under section 5 (1) of the A.P. (SC/ST/BC) Issue of community certificate Act 16 of 1993 r/w Sub-Rule (7) of Rule 9 of A.P. (SC/ST/BC) issue of Community, Nativity and Date of Birth Certificate Rules, 1997 communicated vide G.O.Ms.No.58, Social Welfare (J) Department, Dt: 12-5-1997, I,Vivek Yadav, I.A.S., Collector and District Magistrate, Guntur do hereby cancel the “Shaik(BC-E)” caste certificate bearing **No.CGC011819504917, Dt: 11.10.2018** obtained by **Smt. Shaik Reehana W/o (late) Abdul Rahaman.** from the then Tahsildar, Guntur and other caste certificates if any obtained by her, with immediate effect duly declaring that the individual does not belong to “Shaik (BC-E)” community.

**VIVEK YADAV,***Collector and District Magistrate,  
Guntur.*

---X---